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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,370	06/19/2000	James M. White	1721-1	3966

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EXAMINER

CHORBAJI, MONZER R

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,370

Applicant(s)

WHITE, JAMES M.

Examiner

MONZER R CHORBAJI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 6; applicant uses the phrase "a venturi means connected to one of said lines". However, the specification and the drawings do not explain or show such a limitation. The meaning of such a phrase is not clear.

Explanation is needed to understand the meaning of claim 12.

In claim 17, line 10; applicant uses the phrase "mixing the biological fluid and the disinfectant in the other of said biological fluid line and said disinfectant line". The meaning of such a phrase is not clear. Explanation is needed to understand the meaning of claim 17.

In claim 18, line 4; applicant uses the term "said outlet". It is not clear to which outlet the applicant is referring. Clarification is needed to understand the meaning of claim 18.

Claim Objections

3. Claim 17 recites the limitation "said water line" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-5, 8-10, 12-13, 1718, and 20 are rejected under 35

U.S.C. 102(b) as being anticipated by Saunier et al (U.S.P.N. 3,975,271).

With respect to claims 1, 12, and 17, Saunier et al discloses an apparatus (figure 1) including the following: a water flow line (figure 1,13), a biological fluid line (figure 1, raw water inherently contains living organisms), a disinfectant line (figure 1, 11) in fluid communication with the water flow line (figure 1, 12) and the biological fluid line (figure 1, 8), and both biological fluid line and disinfectant line being connected to the water flow line (figure 1, 8, 11, and 12) such that the inherent flow of water through the water flow line is capable of causing a suction action (venturi means, figure 1, the connection point between 12 and 13) through both the biological fluid line and the disinfectant line. In addition, Saunier et al discloses a method in which the biological fluid (figure 1, raw water) is disposed of when contacted with the disinfectant (figure 11 and 12). Also, Steps such; connecting (figure 1, 8, 11, 12 unlabeled outlet of 1, and 13), passing (figure 1, 13, 8, and 11), mixing (figure 1, 12), and discharging the water (13) and the mixed biological fluid and disinfectant (8, 11, and 12) from the water flow line.

With respect to claim 2, Saunier et al discloses a water flow line having an inlet means (figure 1, unlabeled left part of 13) and an outlet means (figure 1,

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unlabeled right part of 13) such that the outlet means releases a mixture of biological fluid and water and disinfectant.

With respect to claims 4-5, Saunier et al teaches the following: a pipe (figure 1, 1) communicating with the water flow line (figure 1, 8) such that the disinfectant is connected to the pipe (figure 1, 11) a distance from the water flow line and between an inlet of the pipe and the water flow line, and a valve means (figure 1, 10).

With respect to claims 8-10, Saunier et al discloses the following: a pipe communicating with the biological fluid line (figure 1, 1 and 8), suction line (figure 1, 1, 11, and 3), a disinfectant container (figure 5, 27, 16, and 15), and a metering valve (figure 1, 2).

With respect to claim 13, Saunier et al teaches that the water flow line is under pressure since it flows from left hand side to the right hand side (col.5, lines 19-21) such that this pressure inherently create a suction force for drawing in the disinfectant into the water flow line (figure 5, 17 and 13).

With respect to claims 18 and 20, Saunier et al teaches a method that inherently include connecting the disinfectant line to the biological fluid line (figure 1, 8, 11, 12 unlabeled outlet of 1) between an inlet of the biological fluid line (figure 1, Raw water) and the outlet (figure 1, unlabeled outlet of 12) and controlling a rate of flow of disinfectant into the biological fluid line (figure 1, 2 and 8). Such steps are inherent parts of the method of Saunier et al in order to dispose of biological fluid.

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunier et al (U.S.P.N. 3,975,271) in view of Jackson (U.S.P.N. 5,087,420).

The teachings of Saunier et al have previously been set forth with respect to claims 1-2, 4-5, 8-10, 12-13, 17-18, and 20. With respect to claims 3 and 14, Saunier et al fails to disclose discharging the water flow line to a sewer. Jackson teaches discharging the treated fluid to a sewer (col.6, lines 45-47). Thus, it would have been obvious to one having ordinary skill in the art to modify the system of Saunier et al to include means for discharging the treated fluid to a sewer since it represents a suitable disposal source (Jackson, col.4, lines 57-59).

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9. Claims 6-7, 15-16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunier et al (U.S.P.N. 3,975,271) in view of Griffiths (U.S.P.N. 5,914,047).

With respect to claims 6-7, 15-16, and 19, Saunier et al fails to teach the following: suction line for insertion into a biological fluid container, a biological fluid container, and inserting an inlet of the biological fluid line into a container of biological fluid. However, with regard to claims 6-7, 15-16, and 19, Griffiths teaches the following: suction line for insertion into a biological fluid container (figure 3, 70A), a biological fluid container (figure 3, 46A), and inserting an inlet of the biological fluid line into a container of biological fluid (col.7, lines 33-35). Thus, it would have obvious to one having ordinary skill in the art to modify the apparatus and the method of Saunier et al to include a biological fluid container since it functions as a container for untreated liquid waste (Griffiths, col.7, lines 31-32).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saunier et al (U.S.P.N. 3,975,271) in view of Aubrey et al (U.S.P.N. 3,857,409).

With respect to claim 11, Saunier et al fails to disclose a housing that covers the apparatus. However, Aubrey et al discloses a housing (figure 1, 12), which extends over various inlets and outlets (figure 1, 110, 112, 38, and 36) of the mixing apparatus (figure 1, 10). Thus, it would have been obvious to one having ordinary skill in the art to modify the system of Saunier et al to include a housing in order to have a first mixing section and a second mixing section (Aubrey et al, col.3, lines 11-12).

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Conclusion

11. The prior art made of record but not relied upon is considered pertinent to applicant's disclosure. Lambert (U.S.P.N. 3,975,284), Hicks (U.S.P.N. 4,590,057), and Hicks (U.S.P.N. 4,247,531) teach similar concepts regarding drawing fluids by venturi means.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R CHORBAJI whose telephone number is (703) 305-3605. The examiner can normally be reached on M-F 8:30-5:00.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT J WARDEN can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Monzer R. Chorbaji *MRC*
Patent Examiner
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